

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SILICON VALLEY BANK,

Plaintiff,

vs.

21 Civ. 2552 (JPC)

JES GLOBAL CAPITAL GP III, LLC; and
ELLIOT S. SMERLING,

Defendants.

~~PROPOSED~~ FINAL JUDGMENT ON CONSENT
AS TO DEFENDANT ELLIOT S. SMERLING

WHEREAS, plaintiff Silicon Valley Bank (“SVB”) filed the Complaint in this action on March 24, 2021 alleging, among other things, claims against defendant Elliot S. Smerling for fraudulent inducement (Count II), conversion (Count III), and unjust enrichment (Count IV); and

WHEREAS, the Complaint was duly served on Mr. Smerling by, among other methods, acceptance of service of the Complaint by Mr. Smerling’s counsel; and

WHEREAS, this Court has jurisdiction over the subject matter of this action and personal jurisdiction over SVB and Mr. Smerling in connection with the claims asserted in this action; and

WHEREAS, the parties consent to entry of a final judgment on the terms set forth below; it is hereby

ORDERED, DECREED, and ADJUDGED as follows:

1. This Court has jurisdiction over the subject matter of this action and personal jurisdiction over SVB and Mr. Smerling in connection with the claims asserted in this action.

2. Judgment is entered in favor of SVB and against Mr. Smerling on Counts II, III, and IV of the Complaint.

3. Judgment is entered in favor of SVB and against Mr. Smerling on Counts II, III and IV in the amount of \$79,957,322.65 plus interest.

4. The parties shall bear their own costs, fees and expenses.

5. The parties waive any and all rights to appeal this Final Judgment on Consent.

Dated: May __, 2021

/s/ Lorin L. Reisner

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Attorneys for Elliot S. Smerling


Elliot Smerling

June 8, 2021

All prejudgment orders of attachment in this action shall remain in full force and effect until judgment in favor of the Plaintiff is fully satisfied.

IT IS SO ORDERED.

Entered this 14 day of June, 2021.

A handwritten signature in black ink, appearing to read "John P. Cronan", written over a horizontal line.

Honorable John P. Cronan
United States District Judge